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DATE: June 1, 2004

**TO:** U.S. PATENT & TRADEMARK OFFICE  
Attn: Anne Kubelik/ Art Unit 1638

**FROM:** Leigh W. Thorne Fax 1 of 3

Appl. No.: 10/032,717 Confirmation No.: 5409  
Applicant(s): Abad *et al.*  
Filed: October 23, 2001  
Art Unit: 1638  
Examiner: Anne Kubelik  
Title: GENES ENCODING NOVEL BACILLUS THURINGIENSIS PROTEINS WITH PESTICIDAL  
ACTIVITY AGAINST COLEOPTERANS

Docket No.: 35718/237005  
Customer No.: 29122

Attached please find the following documents submitted responsive to the Advisory Action of 2/18/04 and the Final Rejection of 12/03/03 for the above-referenced application:  
Appeal Brief (30 pages ); One Month Extension (1 page); and Appeal Brief Transmittal Sheet (1 page)

**NO. OF PAGES:**  
(Including cover page) 33

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**USER CODE:** THORL **FAX NUMBER:** 703-872-9306  
**CLIENT/MATTER:** 035718/237005  
**REQUESTED BY:** **VOICE NUMBER:** 571-272-0801

Attorney's Docket No. 035718/237005 (5718-118)

PATENT**In The United States Patent And Trademark Office**

In re: Abad *et al.* Confirmation No.: 5409  
Appl. No.: 10/032,717 Group No.: 1638  
Filed: October 23, 2001 Examiner: A.R. Kubelik  
For: GENES ENCODING NOVEL BACILLUS THURINGIENSIS PROTEINS WITH  
PESTICIDAL ACTIVITY AGAINST COLEOPTERANS

June 1, 2004

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

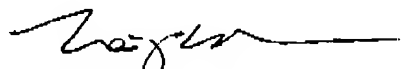
**APPEAL BRIEF TRANSMITTAL**  
**(PATENT APPLICATION - 37 C.F.R. § 1.192)**

1. Transmitted herewith, in **triplicate**, is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on March 1, 2004.
2. ☐ Applicant claims small entity status.
3. Pursuant to 37 C.F.R. § 1.17(c), the fee for filing the Appeal Brief is:  
☐ small entity \$165.00  
☒ other than small entity \$330.00  

Appeal Brief fee due \$330.00

☒ Any additional fee or refund may be charged to Deposit Account 16-0605.

Respectfully submitted,

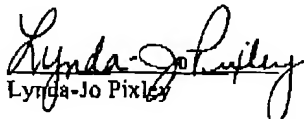


Leigh W. Thorne  
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**CERTIFICATION OF FACSIMILE TRANSMISSION**

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Lynda-Jo Pixley

June 1, 2004  
Date

**RESPONSE UNDER 37 C.F.R. 1.116 -  
EXPEDITED PROCEDURE - EXAMINING GROUP 1638**

Attorney's Docket No. 035718/237005 (5718-118)

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Abad *et al.* Confirmation No.: 5409  
 Appl. No.: 10/032,717 Group No.: 1638  
 Filed: October 23, 2001 Examiner: A.R. Kubelik  
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**PETITION AND FEE FOR EXTENSION OF TIME 37 C.F.R. § 1.136(a)**

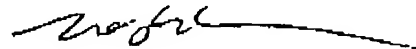
1. This is a petition for an extension of time for a total period of one month to respond to the March 1, 2004 Notice of Appeal.
2. Applicant is ☐ a small entity; ☒ other than a small entity.
3. Calculation of extension fee (37 C.F.R. § 1.17(a)(1)-(a)(5)):

Total Months Requested	Fee For Other Than Small Entity	Fee for Small Entity
<input checked="" type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	\$420.00	\$210.00
<input type="checkbox"/> three months	\$950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
<input type="checkbox"/> five months*	\$2,010.00	\$1,005.00

\*Cannot be used to exceed six-month statutory limit for response to an Official Action.

- ☐ A check in the amount of \$ is enclosed.
- ☒ Charge Deposit Account No. 16-0605 for the extension fee.
- ☒ Charge Deposit Account No. 16-0605 for any fee deficiency.

Respectfully submitted,

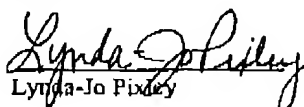


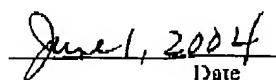
Leigh W. Thorne  
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 Lynda-Jo Pixley

  
 Date